

AGING, DEPARTMENT ON[17]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 231.14, the Department on Aging hereby amends and transfers Chapters 1 to 28, Iowa Administrative Code, from the Department of Elder Affairs to the Department on Aging.

2009 Iowa Acts, Senate File 204, amended Iowa Code chapter 231 to provide for various technical changes, including a change in the Department's name from the "Department of Elder Affairs" to the "Department on Aging," a change in the Commission's name from the "Commission of Elder Affairs," to the "Commission on Aging," and a change in references from "elders" to "older individuals." This rule making amends the Department's rules to comply with the Act by changing these references.

2009 Iowa Acts, House File 811, amended Iowa Code section 231.58 to eliminate the requirement for the Senior Living Coordinating Unit (SLCU). This rule making amends the Department's rules to comply with the Act by eliminating references to the SLCU in the Department's rules.

2007 Iowa Acts, Senate File 601, transferred the regulatory authority for adult day services, assisted living programs, and elder group homes from the Department on Aging to the Department of Inspections and Appeals. This rule making amends the Department's rules to comply with the Act by eliminating references to authority under Iowa Code chapters 231B, 231C, and 231D and adding 231E.

The Department was notified by the Administrative Code Editor that the change in the Department's name will cause the Department's placement in the alphabetical list of the agencies in the Iowa Administrative Code (IAC) to move from "321" to "17." This rule making amends the Department's rules by directing the Administrative Code Editor to change all references from "321" to "17" and transfer the Department's rules from "321" to "17."

Item 17 of this rule making is a technical change that removes unnecessary definitions for "child" and "grandparent or elder who is a relative caregiver" from Chapter 7 because the definitions are now included in Chapter 14, "Iowa Family Caregiver Support Program."

Other technical changes in this rule making include correction of references to the Department's Web site and telephone number.

For good cause and pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation prior to adoption of these amendments pursuant to Iowa Code section 17A.4(1) are impracticable and contrary to the public interest because these amendments provide for the implementation of 2009 Iowa Acts, Senate File 204, 2009 Iowa Acts, House File 811, and 2007 Iowa Acts, Senate File 601.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Department finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective January 7, 2010. These amendments confer a benefit upon the public by providing for the implementation of 2009 Iowa Acts, Senate File 204, 2009 Iowa Acts, House File 811, and 2007 Iowa Acts, Senate File 601.

These amendments are intended to implement Iowa Code chapters 231, 231E and 249H, 2009 Iowa Acts, Senate File 204, 2009 Iowa Acts, House File 811, and 2007 Iowa Acts, Senate File 601.

These amendments became effective January 7, 2010.

The following amendments are adopted.

ITEM 1. Transfer **321—Chapters 1 to 28** to **17—Chapters 1 to 28**.

ITEM 2. Amend **17—Chapter 1** by replacing all references to “department of elder affairs” with “department on aging,” replacing all references to “commission of elder affairs” with “commission on aging,” replacing all references to “DEA” with “IDA,” and replacing all references to “321” with “17.”

ITEM 3. Amend rule 17—1.1(231) as follows:

17—1.1(231) Authority and purpose. The rules of the Iowa department ~~of elder affairs~~ on aging are based on the authority of Iowa Code chapters 231, ~~231B, 231C, 231D,~~ 231E, 235B and 249H. These rules prescribe requirements:

1. That agencies shall meet to receive grants under the Older Americans Act and other funds administered through the Iowa department ~~of elder affairs~~ on aging;

~~2. For certification and operation of elder group homes, assisted living programs, and adult day services;~~

~~3.~~ 2. For planning, administration and service delivery for the department as well as the area agencies on aging;

~~4.~~ 3. Of the department’s fiscal policy;

~~5.~~ 4. To request waivers or variances from administrative rules;

~~6.~~ 5. For monitoring, complaint investigation and penalties for programs under the department’s jurisdiction; and

~~7.~~ 6. For operation, administration and planning of the long-term care resident’s advocate/ombudsman office and other entities under the department’s purview which assist in ensuring quality care and protection of Iowa’s ~~elders~~ older individuals.

ITEM 4. Amend rule **17—1.4(231)**, definition of “DEA,” as follows:

“~~DEA~~ IDA” means the Iowa department ~~of elder affairs~~ on aging established in Iowa Code chapter 231.

ITEM 5. Rescind the definition of “SLCU” in rule **17—1.4(231)**.

ITEM 6. Amend the following definitions in rule **17—1.5(231)**:

“*Comprehensive and coordinated system*” means a system for providing all necessary supportive services, including nutrition services, in a manner designed to:

1. No change.

2. Develop and make the most efficient use of supportive services and nutrition services to meet the needs of ~~elders~~ older individuals with a minimum of duplication.

3. and 4. No change.

“*Continuum of care*” means a full range of economic, physical, psychological, social and support programs and services necessary to maintain or restore ~~elders~~ older individuals to their optimal environment.

“*Department of elder affairs on aging*” or “*department*” means the sole state agency responsible for administration of the Older Americans Act and Iowa Code chapters 231,~~231B, 231C, and 231D~~ 231E and 249H and other applicable laws or rules.

“*Director*” means the director of the Iowa department ~~of elder affairs~~ on aging.

“~~Elder~~ Older individual” means a person aged 60 or older.

“*Greatest social need*” means the need caused by noneconomic factors, which include physical and mental disabilities, language barriers, and cultural, geographic or social isolation including isolation caused by racial or ethnic status, that restrict an individual’s ability to perform normal daily tasks or that threaten the ~~elder’s~~ older individual’s capacity to live independently.

“*Instrumental activities of daily living*” or “*IADL*” means those activities that reflect the ~~elder’s~~ older individual’s ability to perform household and other tasks necessary to meet the ~~elder’s~~ older individual’s needs within the community, which may include but are not limited to shopping, housekeeping, chores, and traveling within the community.

ITEM 7. Rescind the definition of “Senior living coordinating unit” in rule **17—1.5(231)**.

ITEM 8. Amend **17—Chapter 2** by replacing all references to “department of elder affairs” with “department on aging,” replacing all references to “commission of elder affairs” with “commission on aging,” replacing all references to “elder” with “older individual,” and replacing all references to “321” with “17.”

ITEM 9. Amend paragraph **2.3(2)“c”** as follows:

c. From the Web site at ~~http://www.ia.state.us/elderaffairs~~ www.aging.iowa.gov.

ITEM 10. Amend **17—Chapter 3** by replacing all references to “department of elder affairs” with “department on aging,” replacing all references to “commission of elder affairs” with “commission on aging,” and replacing all references to “321” with “17.”

ITEM 11. Amend subrule 3.3(8) as follows:

3.3(8) Dates and locations of commission meetings may be obtained from the department’s Web site at ~~www.state.ia.us/elderaffairs~~ www.aging.iowa.gov or directly from the department by calling ~~(515)242-3333~~ (515)725-3333.

ITEM 12. Amend **17—Chapter 4** by replacing all references to “department of elder affairs” with “department on aging,” replacing all references to “elder” with “older individual,” and replacing all references to “321” with “17.”

ITEM 13. Amend **17—Chapter 5** by replacing all references to “department of elder affairs” with “department on aging” and replacing all references to “321” with “17.”

ITEM 14. Amend **17—Chapter 5**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapter~~ chapters 231 and 249H.

ITEM 15. Amend **17—Chapter 6** by replacing all references to “department of elder affairs” with “department on aging,” replacing all references to “elder” with “older individual,” replacing all references to “321” with “17,” and replacing all references to “www.ia.state.us/elderaffairs” with “www.aging.iowa.gov.”

ITEM 16. Amend **17—Chapter 7** by replacing all references to “elder” with “older individual” and replacing all references to “321” with “17.”

ITEM 17. Rescind the definitions of “Child” and “Grandparent or elder who is a relative caregiver” in rule **17—7.1(231)**.

ITEM 18. Amend **17—Chapter 8** by replacing all references to “department of elder affairs” with “department on aging” and replacing all references to “321” with “17.”

ITEM 19. Amend **17—Chapter 9** by replacing all references to “department of elder affairs” with “department on aging” and replacing all references to “321” with “17.”

ITEM 20. Amend **17—Chapter 10** by replacing all references to “department of elder affairs” with “department on aging,” replacing all references to “elder” with “older individual,” and replacing all references to “321” with “17.”

ITEM 21. Amend **17—Chapter 11** by replacing all references to “department of elder affairs” with “department on aging” and replacing all references to “321” with “17.”

ITEM 22. Amend **17—Chapter 11**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 17A, 22, ~~and 231~~ and 249H and Executive Order Number 11.

ITEM 23. Amend **17—Chapter 13** by replacing all references to “department of elder affairs” with “department on aging,” replacing all references to “commission of elder affairs” with “commission on aging,” and replacing all references to “321” with “17.”

ITEM 24. Amend **17—Chapter 14** by replacing all references to “321” with “17.”

ITEM 25. Amend **17—Chapter 17** by replacing all references to “department of elder affairs” with “department on aging.”

ITEM 26. Amend **17—Chapter 18** by replacing all references to “department of elder affairs” with “department on aging” and replacing all references to “321” with “17.”

ITEM 27. Amend **17—Chapter 19** by replacing all references to “department of elder affairs” with “department on aging” and replacing all references to “321” with “17.”

ITEM 28. Amend **17—Chapter 21** by replacing all references to “321” with “17.”

ITEM 29. Amend **17—Chapter 22** by replacing all references to “department of elder affairs” with “department on aging” and replacing all references to “321” with “17.”

ITEM 30. Amend **17—Chapter 28** by replacing all references to “321” with “17.”

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 1/27/10.